

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

WINKLEVOSS CAPITAL FUND, LLC,

Plaintiff,

v.

CHARLES SHREM,

Defendant.

Case No. 18-CV-8250 (JSR)

**AFFIDAVIT OF SAM FERGUSON
IN OPPOSITION TO CHARLIE
SHREM'S MOTION FOR
ATTORNEYS FEES**

I, Sam Ferguson, hereby declare as follows:

1. I am member of the California Bar and a senior attorney at the Meade Firm p.c., counsel for Plaintiff Winklevoss Capital Fund, LLC ("WCF"). I have a pro hac vice appearance in the above-captioned matter. Except as to matters stated on information and belief, I have personal knowledge of the information referenced herein and could competently testify as to its truth if called to do so. As to matters stated on information and belief, I am informed and believe them to be true.


2. Attached hereto as Exhibit 1 is a true and correct copy of an email exchange I had with Donald Pepperman, counsel for Charlie Shrem, regarding our joint November 6 submission of a discovery plan to the Court. Mr. Pepperman includes an entry on November 6 in his billing records requesting reimbursement for this meet and confer as damages stemming from the attachment. This communication had nothing to do with the attachment.

3. Attached hereto as Exhibit 2 is a true and correct copy of an email exchange that I was included in between counsel for WCF, counsel for Shrem and the Court. Shrem had submitted redacted documents, removing the identity of John Doe. The Court notes in the email that Shrem had "not even remotely made an adequate showing sufficient to overcome the strong

presumption in favor of public access to court filings,” and ordered Shrem to file unredacted copies of his papers.

I declare under penalty of perjury under the laws of the United States and the State of New York that the foregoing is true and correct to the best of my knowledge.

Executed on January 30, 2019 in San Francisco, California.



Sam Ferguson